

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service



Date: October 8, 2013
File: IAB IV #2308834

OFFICE CORRESPONDENCE

FROM: MICHAEL J. ROTHANS, CHIEF
SOUTH PATROL DIVISION

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: JAMES NICOLES [redacted]
DEPUTY SHERIFF
CARSON STATION
SOUTH PATROL DIVISION

Upon consideration of the facts in this investigation, it has been determined that Subject Nicoles shall be Discharged from his position as Deputy Sheriff for the reasons set forth in the attached documentation. This decision may be reconsidered based on the employee's response.

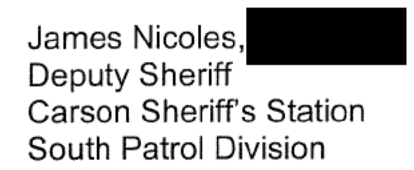
Michael J. Rothans, Chief — Date 10/8/13

CASE REVIEWED BY:

Karyn Mannis
Commander — Date 10-08-13

Commander — Date 10-8-13

David E Hale
Commander — Date 10-08-13



James Nicoles, [redacted]
Deputy Sheriff
Carson Sheriff's Station
South Patrol Division

IV2308834

DISPOSITION WORKSHEET

The evidence in this investigation supports the following charges:

1. That in violation of the Manual of Policy and Procedures Sections 3-01/050.10, Performance to Standards; and/or 3-01/100.35, False Information in Records; and/or 3-01/005.10, Responsibility for Documentation; and/or 3-01/030.05, General Behavior, on or about August 24, 2011, Subject Nicoles failed to perform to the standards established for his rank as a deputy sheriff when he failed to ensure that accurate statements and an accurate account of the arrest of [redacted] were properly recorded in an arrest report he authored, (Sheriff's Uniform Report Number 911-08976-1696-181), and/or caused false and/or inaccurate information to be documented in the arrest report (Sheriff's Uniform Report Number 911-08976-1696-181), and/or failed to report to a supervisor that false information was placed into an arrest report (Sheriff's Uniform Report Number 911-08976-1696-181), as evidenced by, but not limited to, the following:

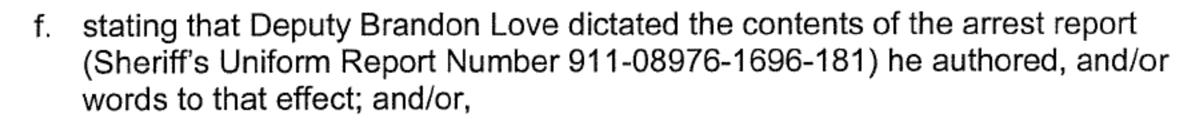
   a. admitting that the information he testified to in Los Angeles Superior Court, Department SC/O (case# TA119667), on January 10, 2012, was based on false and inaccurate information that was documented in his arrest report (Sheriff's Uniform Report Number 911-08976-1696-181), and/or words to that effect; and/or,

   b. admitting he knew that there was false information placed into his arrest report (Sheriff's Uniform Report Number 911-08976-1696-181), and/or words to that effect; and/or,

   c. admitting that he failed to notify a supervisor regarding the false information placed into his arrest report (Sheriff's Uniform Report Number 911-08976-1696-181), and/or words to that effect; and/or,

   d. being named as suspect in a 118 P.C., Perjury, and 118.1 PC False Statements in a Crime Report, investigation which was submitted to the Los Angeles County District Attorney's Office (Sheriff's Uniform Report Number 912-00037-2003-441); and/or,

   e. stating that Deputy Brandon Love directed him to document in the arrest report (Sheriff's Uniform Report Number 911-08976-1696-181) that [redacted] was contacted at his vehicle and ordered to exit his vehicle, and/or words to that effect; and/or,



f. stating that Deputy Brandon Love dictated the contents of the arrest report (Sheriff's Uniform Report Number 911-08976-1696-181) he authored, and/or words to that effect; and/or,

g. stating in his administrative interview that [redacted] was actually contacted in the laundromat, and/or words to that effect; and/or,

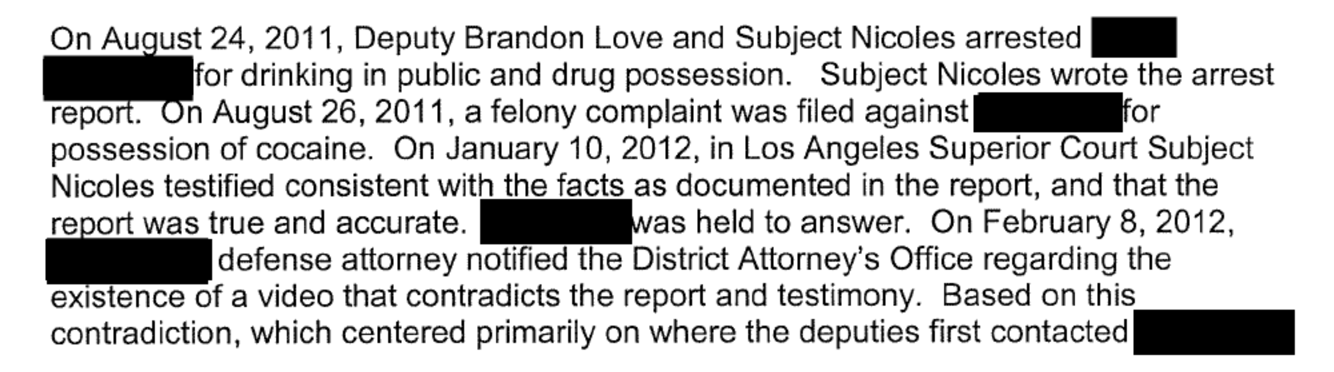
h. stating that it was Deputy Brandon Love who brought it to his attention that there was an open container of alcohol in [redacted] vehicle, and/or words to that effect; and/or,

i. stating that it was Deputy Brandon Love who searched [redacted] vehicle, and/or words to that effect; and/or,

j. stating that he discovered the cocaine in [redacted] pocket as a result of a consent search, and/or words to that effect.

Subject Nicoles was on training as a field patrol deputy and he was under the supervision of his training officer, Deputy Brandon Love. As a ten-year veteran of the Department, Subject Nicoles' conduct did not conform to the Core Values of the Department, as he failed to exercise integrity, conduct his duties honorably, and/or apply wisdom while performing his duties as expected of law enforcement personnel. Subject Nicoles' conduct brought undue embarrassment and/or damaged the reputation of the Department in that court officers and the District Attorney's office became aware of the false information in the arrest report (Sheriff's Uniform Report Number 912-00037-2003-441) and his false testimony. Subject Nicoles brought discredit to himself and/or the Department.

SUMMARY



On August 24, 2011, Deputy Brandon Love and Subject Nicoles arrested [redacted] for drinking in public and drug possession. Subject Nicoles wrote the arrest report. On August 26, 2011, a felony complaint was filed against [redacted] for possession of cocaine. On January 10, 2012, in Los Angeles Superior Court Subject Nicoles testified consistent with the facts as documented in the report, and that the report was true and accurate. [redacted] was held to answer. On February 8, 2012, [redacted] defense attorney notified the District Attorney's Office regarding the existence of a video that contradicts the report and testimony. Based on this contradiction, which centered primarily on where the deputies first contacted [redacted]

James Nicoles, [redacted]
Deputy Sheriff
Carson Sheriff's Station
South Patrol Division


IV2308834

Subject Nicoles and Deputy Brandon Love became the subjects of a criminal investigation for False Statements in a Crime Report and Perjury (Nicoles only), which was submitted to the Los Angeles County District Attorney's Office (Sheriff's Uniform Report Number 912-00037-2003-441). On February 22, 2013, the District Attorney's Office declined to file charges because the false information in the report and the false testimony was not "material" within the meaning of the two Penal Code sections.

Subject Nicoles admitted he wrote false information in his arrest report, that he testified that the report was accurate, and that his testimony was consistent with the report.

The administrative investigation revealed that Deputy Brandon Love was newly assigned as a training officer and Subject Nicoles was placed under his supervision when this arrest occurred. They were teamed up as patrol partners for approximately two days. Although Subject Nicoles performed as a deputy for ten years, this period represented his fourth month of field patrol training.

Deputy Brandon Love and Subject Nicoles both stated in their administrative interviews that they contacted [redacted] in the laundromat. However, the arrest report stated that [redacted] was sitting in his vehicle when the deputies approached him and ordered him from the vehicle. Video footage from the arrest location contradicted the report's account and depicted the deputies contacting [redacted]nside the laundromat.

Subject Nicoles testified in court that his account as documented in the report was true, but in his administrative interview he recanted and stated his account was false. Subject Nicoles stated he wrote his account of the arrest the way it is documented in the report because Deputy Brandon Love dictated the information to him. Subject Nicoles knew it was false, but did not inform anyone of the false information. Subject Nicoles stated some of the false information included the fact that he actually encountered [redacted] in the laundromat, not at his car, that he discovered the cocaine on [redacted] during a consent search, and that Deputy Brandon Love searched [redacted] vehicle where he located an open container of alcohol after Subject Nicoles placed [redacted] in the patrol vehicle. Subject Nicoles stated Deputy Brandon Love searched [redacted] vehicle and informed him that there was an open container containing an alcoholic beverage in the vehicle. Subject Nicole said did not see [redacted] or his friend in the vehicle at the time he ran the license plate. Subject Nicoles said he did not see [redacted] consume a beverage.

In his administrative interview, Deputy Brandon Love stated they contacted [redacted] in the laundromat. Deputy Brandon Love stated he saw the men in the vehicle when they ran the license plate and noticed [redacted] drinking from a canned beverage. Deputy

Brandon Love stated he did not believe he searched the vehicle and that Subject Nicoles informed him of the open container containing an alcoholic beverage in the vehicle. Deputy Brandon Love stated when Subject Nicoles searched [redacted] "incident" to arresting him for drinking in public, Subject Nicoles discovered the cocaine. Deputy Brandon Love stated he asked Subject Nicoles to "run the arrest by him" and then he offered some suggestions regarding what should be documented. Deputy Brandon Love stated he did not dictate the report to Subject Nicoles.

Deputy Brandon Love said he failed as Subject Nicoles' supervisor because he did not review his report. He said would have corrected the contradictions and made sure the document was accurate. He could not remember if he reviewed the document, but believed he did not.

According to the police report authored by Subject Nicoles (but which also includes Deputy Brandon Love's name on the report), the arrest was made in the parking lot next to the [redacted] vehicle.

On reviewing the video surveillance video, it clearly shows that Deputy Brandon Love and Subject Nicoles entered the business before contacting [redacted] This pertinent information was not documented in the police report and contradicts the statement that [redacted] was contacted at his vehicle.

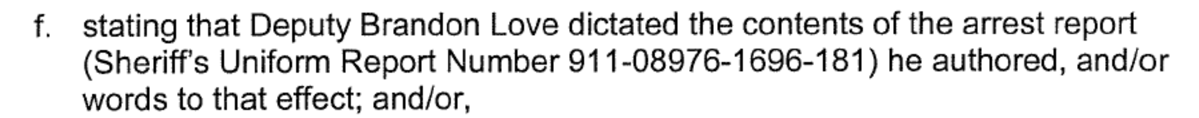
The false report and false testimony at the preliminary hearing resulted in a dismissal of the felony charge against [redacted]

Subject Nicoles later admitted that he knew he authored a false police report and also admitted to giving false court testimony. Subject Nicoles stated Deputy Brandon Love told him that they were going to write this report differently. Subject Nicoles stated Deputy Brandon Love dictated the police report to him and was aware of the report's content. Subject Nicoles stated he wanted to inform someone of the false information, but he was reluctant because he understood that "anytime you go against your training officer, you jeopardize your chances of passing patrol."

DISCIPLINE ASSESSMENT

Review of Applicable "Guidelines for Discipline" Sections

The Department's Guidelines for Discipline lists the following analogous misconduct



f. stating that Deputy Brandon Love dictated the contents of the arrest report (Sheriff's Uniform Report Number 911-08976-1696-181) he authored, and/or words to that effect; and/or,

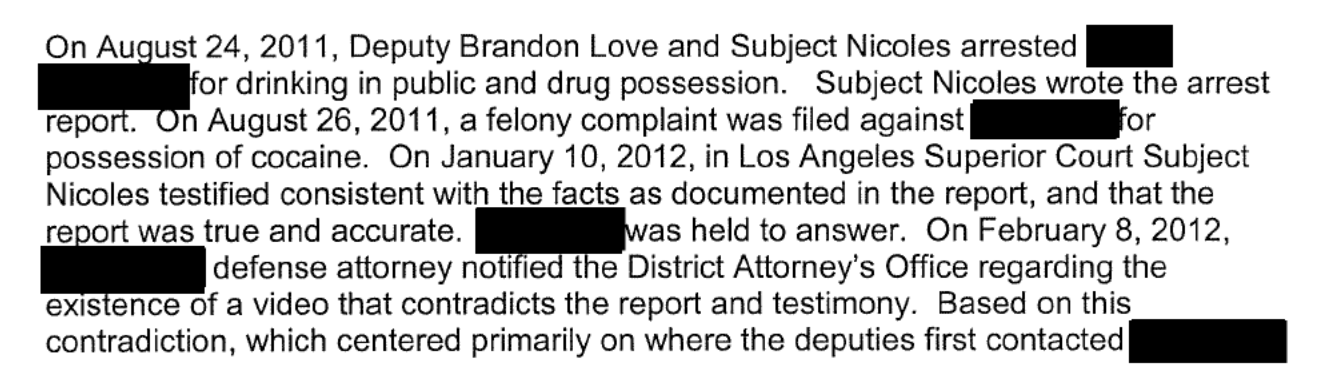
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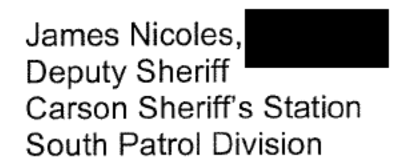
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James Nicoles, [redacted]
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IV2308834

with associated disciplinary penalties.

Performance to Standards	W/R to Discharge
Professional Conduct	W/R to Discharge
General Behavior	W/R to Discharge
False Information in Records	W/R to Discharge
Responsibility for Documentation	W/R to Discharge

Assessment of Mitigating and Aggravating Factors

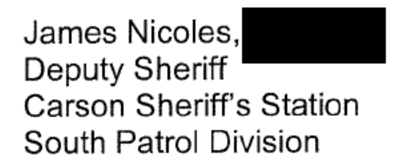
Severity of Allegation

There is no question that the police report contained false information. The public's trust of law enforcement was violated, and the Department's credibility within the justice system was compromised. The person was arrested for a felony and the case was dismissed based on the false police report and false testimony.

Although Subject Nicoles has been a deputy for ten years, he was on his fourth month of patrol training when this incident occurred. Subject Nicoles did not perform to the standards expected of him. His breach resulted in him and Deputy Brandon Love being the subjects of a criminal investigation and resulted in the dismissal of a felony charge against [redacted].

Intent, Truthfulness, and Acceptance of Responsibility

In his administrative interview, Subject Nicoles appears to be truthful and credible. He took responsibility for his actions. On the other hand, Deputy Brandon Love appears less credible. He does not recall reviewing the police report, but said if he did review it, he failed as a field training officer. Subject Nicoles stated that Deputy Brandon Love did review the report. On the night of this incident, Deputy Brandon Love had worked with Subject Nicoles for two days. Although every training officer should monitor all reports, especially arrest reports that are submitted by new field deputies, Subject Nicoles, a ten-year veteran, should have exercised integrity and not have submitted a false report.



James Nicoles, [redacted]
Deputy Sheriff
Carson Sheriff's Station
South Patrol Division

IV2308834

Degree of Culpability

Both Subjects are culpable for their conduct.

Past Performance and Disciplinary History

Subject Nicoles has been employed for approximately 10 years at the time of the incident.

He has no history of discipline.

Disposition

Based upon the foregoing assessment of mitigating and aggravating factors, the following is the recommended penalty, subject to revision upon receiving Subject Nicoles' response or grievance:

X	Discharge
___	Reduction in Rank
___	Suspension with loss of pay and benefits for__ days
___	Written Reprimand
___	No discipline recommended

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
PERSONNEL INVESTIGATION

DATE	No. OF SUBJECTS	UNIT(S) INVOLVED	I.A.B. FILE No.
1/24/2013	2	Carson Station	IV2308834

MANUAL SECTIONS ALLEGEDLY VIOLATED (BY TITLE AND No.): Obedience to Laws, Regulations and Orders 3-01/030.10, False Information in Records 3-01/100.35

DATE, TIME, DAY OF OCCURRENCE: August 24, 2011, 2234 HRS, Wednesday

RELATED URN FILE No. IF APPLICABLE: 911-08976-1696-181

LOCATION OF OCCURRENCE: [redacted] S. Normandie Avenue, Torrance 90502

SOURCE OF COMPLAINT: ☐ COMMUNITY ☐ SUPERVISION W/C REPORT No. ____ ☒ OTHER SOURCES (SPECIFY) District Attorney

SUBJECT No. 1 OF 2

LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No.
Nicoles	James		Deputy Sheriff Generalist	[redacted]

UNIT OF ASSIGNMENT: Carson Station — DATE ASSIGNED: 5-22-2011 — DIVISION OR REGION: Region II

STATUS OF SUBJECT: ☒ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ____ ☐ OTHER ____

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE
Male	W	Bro	Bro	509	140	[redacted]	37

DATE OF HIRE: [redacted] — DATE APPOINTED TO RANK: [redacted] — INTERVIEW TAPE RECORDED ON TAPE 36969 OF -------- SIDE ☐ A ☐ B DATE 3/12/2013 TIME 1023 Hrs

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE

SUBJECT No. 2 OF 2

LAST NAME	FIRST NAME	M.I.	RANK OR TITLE	EMP. No
Love	Brandon		Deputy Sheriff Generalist	[redacted]

UNIT OF ASSIGNMENT: Carson Station — DATE ASSIGNED: 6-10-2007 — DIVISION OR REGION: Region II

STATUS OF SUBJECT: ☒ CONTINUING ON DUTY ☐ RELIEVED OF DUTY - REASSIGNED TO: ____ ☐ OTHER ____

SEX	RACE	HAIR	EYES	HEIGHT	WEIGHT	D.O.B.	AGE
Male	B	Blk	Bro	603	240	[redacted]	36

DATE OF HIRE: [redacted] — DATE APPOINTED TO RANK: [redacted] — INTERVIEW TAPE RECORDED ON TAPE 37298 OF ____ SIDE ☐ A ☐ B DATE 4/22/2013 TIME 1118

PREVIOUS 7 YEAR FOUNDED INVESTIGATIONS (EXCLUDING TRAFFIC)

DATE	I.A.B. FILE No.	MANUAL SECTION(S) VIOLATED	DISCIPLINE

CODE: C - COMPLAINANT, W - WITNESS — ADDITIONAL COMPLAINANTS, WITNESSES, OR SUBJECTS ON SUPPLEMENTAL PAGES ☐ YES ☐ NO

CODE W No. 1 OF 2

LAST NAME / FIRST NAME: [redacted] — M.I. — SEX: Male — RACE: H — D.O.B. [redacted]

RESIDENCE ADDRESS: [redacted] — RES. PHONE (AREA CODE): [redacted]

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT: [redacted] — CDL OR LASD EMPLOYEE NO. — BUS. PHONE (AREA CODE)

INTERVIEW TAPE RECORDED ON TAPE 38535 OF ____ SIDE ☐ A ☐ B DATE 8/19/2013 TIME 0905

CODE W No. 2 OF 2

LAST NAME / FIRST NAME: [redacted] — M.I. — SEX: Male — RACE: H — D.O.B. [redacted]

RESIDENCE ADDRESS: [redacted] — RES. PHONE (AREA CODE) ( )

BUSINESS ADDRESS OR UNIT OF ASSIGNMENT — CDL OR LASD EMPLOYEE NO. — BUS. PHONE (AREA CODE) ( )

INTERVIEW TAPE RECORDED ON TAPE ____ OF ____ SIDE ☐ A ☐ B DATE ____ TIME ____

PRIMARY INVESTIGATOR	RANK	EMP. No.	APPROVED	DATE
David Ladjevic	Sergeant	[redacted]	[signature]	09/13/13
ASSISTING INVESTIGATOR	**RANK**	**EMP. No.**	**DATE SUBMITTED**	
Carlos Flores	Sergeant	[redacted]		

SH-AD-669-2/93 — IF ADDITIONAL SUBJECTS, WITNESSES, COMPLAINANTS OR DISCIPLINE HISTORIES, LIST ON CONTINUATION PAGES.



COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

ADMINISTRATIVE INVESTIGATIVE SUMMARY

DATE / TIME: August 24, 2011 / 2234 hours

LOCATION: [redacted]
[redacted] South Normandie Avenue
Torrance, California 90502

IAB #: **IV2308834**

SUBJECTS: Nicoles, James [redacted]
Deputy Sheriff Generalist
Carson Station/FORII

Love, Brandon [redacted]
Deputy Sheriff Generalist
Carson Station/FORII

ALLEGATION

It is alleged that Subject Nicoles and Subject Love submitted an arrest report that contained false and/or inaccurate information and that Subject Nicoles provided false testimony at the preliminary hearing for the person whom they arrested ([redacted]).

INCIDENT SYNOPSIS

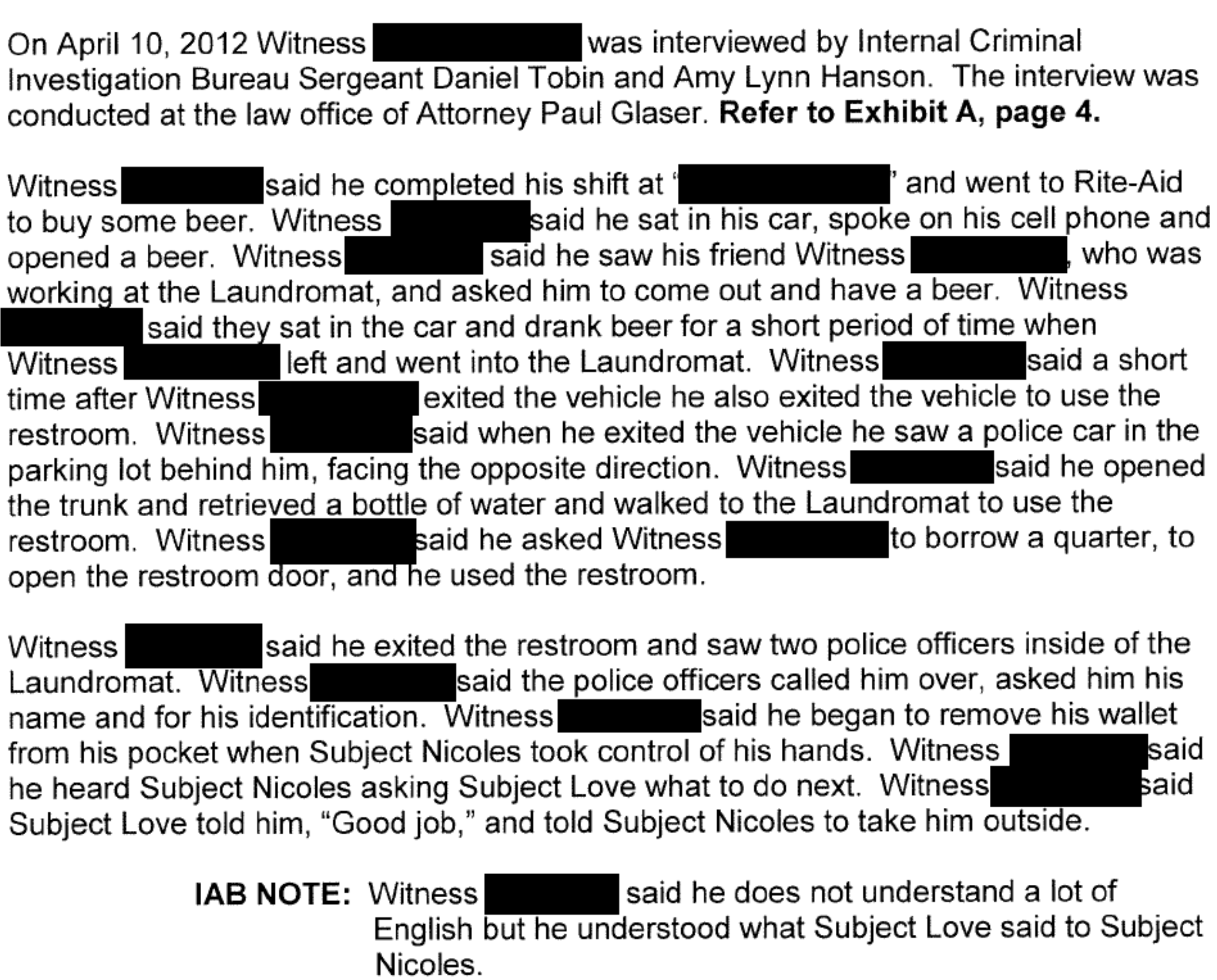
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Love became the subject of a criminal investigation for False Statements in a Crime Report and Perjury (Nicoles only), which was submitted to the Los Angeles County District Attorney's Office. On February 22, 2013, the District Attorney's Office declined to file charges.

This is a summary based on statements given during audio recorded interviews by the Deputy and witnesses. For complete and detailed statements refer to the digital audio recorded files and the verbatim transcripts, which are included in this investigation.

WITNESS INTERVIEWS

WITNESS [redacted]



On April 10, 2012 Witness [redacted] was interviewed by Internal Criminal Investigation Bureau Sergeant Daniel Tobin and Amy Lynn Hanson. The interview was conducted at the law office of Attorney Paul Glaser. **Refer to Exhibit A, page 4.**

Witness [redacted] said he completed his shift at "[redacted]" and went to Rite-Aid to buy some beer. Witness [redacted] said he sat in his car, spoke on his cell phone and opened a beer. Witness [redacted] said he saw his friend Witness [redacted], who was working at the Laundromat, and asked him to come out and have a beer. Witness [redacted] said they sat in the car and drank beer for a short period of time when Witness [redacted] left and went into the Laundromat. Witness [redacted] said a short time after Witness [redacted] exited the vehicle he also exited the vehicle to use the restroom. Witness [redacted] said when he exited the vehicle he saw a police car in the parking lot behind him, facing the opposite direction. Witness [redacted] said he opened the trunk and retrieved a bottle of water and walked to the Laundromat to use the restroom. Witness [redacted] said he asked Witness [redacted] to borrow a quarter, to open the restroom door, and he used the restroom.

Witness [redacted] said he exited the restroom and saw two police officers inside of the Laundromat. Witness [redacted] said the police officers called him over, asked him his name and for his identification. Witness [redacted] said he began to remove his wallet from his pocket when Subject Nicoles took control of his hands. Witness [redacted] said he heard Subject Nicoles asking Subject Love what to do next. Witness [redacted] said Subject Love told him, "Good job," and told Subject Nicoles to take him outside.

> **IAB NOTE:** Witness [redacted] said he does not understand a lot of English but he understood what Subject Love said to Subject Nicoles.

Witness [redacted] said when they were outside he was instructed to place his hands on the hood of the police car. Witness [redacted] said he was searched, arrested and placed in the back seat of the police car. Witness [redacted] said while he was seated in the police car the deputies went into his car and retrieved the beer can that he was drinking from. Witness [redacted] said he saw the deputies talking amongst themselves but he could not understand what they were saying.

Sergeant Tobin asked Witness [redacted] if the deputies had him exit the vehicle prior to his arrest. Witness [redacted] said the police never took him out of the vehicle.

On August 19, 2013 Witness [redacted] was interviewed by Internal Affairs Bureau Sergeant David Ladjevic and Sergeant Romeo Ingreso. The interview was conducted at Carson Sheriff Station and was digitally audio recorded. The interview was conducted in English and interpreted into Spanish by Witness [redacted] wife [redacted].

Witness [redacted] said he was sitting in his car at the location for approximately five minutes when he saw the police car parked with the lights off. Witness [redacted] said he exited his vehicle and entered the Laundromat to use the restroom. Witness [redacted] said when he exited the restroom he was contacted by the deputies. Witness [redacted] said while at the front of the police car he heard the deputies talking amongst themselves but he did not understand what they were saying. Witness [redacted] said the deputies talked to each other while they were driving and he believed one of the deputies was the "boss." Witness [redacted] was asked which deputy he believed was the "boss." Witness [redacted] said, "The African-American," (Subject Love). Witness [redacted] said he understood what the deputies said on one occasion. Witness [redacted] said he heard one of the deputies say, "It wasn't going to be your night." Witness [redacted] said this was the only thing he understood when the deputies were talking.

WITNESS [redacted]

On June 5, 2012 at 1527 hours, Witness [redacted] was interviewed by Internal Criminal Investigations Bureau Sergeant Daniel Tobin and Sergeant Amy Lynn Hanson. The interview was summarized by Sergeant Hanson and is included in **Exhibit A, pages 5- 6.**

Witness [redacted] said he was working at the "[redacted]" on the date of the incident and was checking the parking lot for laundry carts. Witness [redacted] said he saw Witness [redacted] walking to his car and they began talking. Witness [redacted] said they entered Witness [redacted] car and were going to drink a beer when they saw a patrol car approaching.

IAB NOTE: According to Witness [redacted] they were in the car for approximately three minutes prior to exiting the vehicle.

Witness [redacted] said he exited the vehicle prior to drinking the beer and returned to the Laundromat to complete his work. Witness [redacted] said Witness [redacted] also exited the vehicle and went into the Laundromat to use the restroom. Witness [redacted] said Witness [redacted] asked him for a quarter to use the restroom.

IAB NOTE: The door to the restroom is coin operated.

Witness [redacted] said he gave Witness [redacted] a quarter and Witness [redacted] entered the restroom. Witness [redacted] said two police officers entered the Laundromat and asked him if he worked at the Laundromat to which he replied, "Yes." Witness [redacted] said the police officers asked him where his friend (Witness [redacted]) went. Witness [redacted] told the police officers Witness [redacted] was in the restroom.

Witness [redacted] said when Witness [redacted] exited the restroom he walked toward the east end of the Laundromat where the police officers contacted him. He said the police officers placed Witness [redacted] hands behind his back and escorted him out of the Laundromat. Witness [redacted] said he could not hear the conversation the deputies were having with Witness [redacted] prior to escorting him outside. Witness [redacted] said he looked out of the window and saw one of the deputies searching Witness [redacted] Witness [redacted] said he saw Witness [redacted] being placed into the backseat of the police car. Witness [redacted] did not see anything further.

SUBJECT INTERVIEW

SUBJECT JAMES NICOLES [redacted]

On March 12, 2013 Subject James Nicoles was interviewed by Internal Affairs Bureau Sergeant David Ladjevic and Sergeant Carlos Flores. The interview was conducted at Internal Affairs Bureau and was digitally audio recorded. Subject Nicoles was represented by Attorney Richard Shinee.

Subject Nicoles said on August 24, 2011 he was assigned to Carson Station and was beginning his fourth month of training and his Training Officer was Deputy Brandon Love. Deputy Nicoles said he worked with Deputy Love, "a few nights."

IAB NOTE: Subject Love was recently assigned as Subject Nicoles' training officer. On the night of the incident they worked together two days.

Subject Nicoles said they were patrolling the area of [redacted] Normandie Avenue Torrance, when they conducted a license plate check of a vehicle parked in the parking lot of the [redacted]' Subject Nicoles said when he conducted the license plate check via the Mobile Digital Terminal (MDT) he did not see any occupants in the vehicle. Subject Nicoles said the vehicle returned registered to [redacted] with an address of [redacted] **Refer to Exhibit A, page 11.** Subject Nicoles said Subject Love told him to run the address for warrants. Subject Nicoles said the address returned with several warrants. **Refer to Exhibit B,** for the Unit History Report.

Subject Nicoles said once they received the return and saw the warrants to the address they exited the radio car and entered the Laundromat. Subject Nicoles said when they entered the Laundromat they spoke with an employee, Witness [redacted].

> **IAB NOTE:** Due to the late hour, the Laundromat was the only business that was open and occupied.

Subject Nicoles asked Witness [redacted] who the vehicle in the parking lot belonged too. Subject Nicoles said Witness [redacted] pointed to the restroom, and after a few minutes a male exited the restroom. Subject Nicoles contacted the male, Witness [redacted], and asked him if his name was [redacted]. Witness [redacted] said, "Yes." Subject Nicoles said they escorted Witness [redacted] from the Laundromat to their radio car.

Subject Nicoles said when they arrived at the radio car he again asked Witness [redacted] if his name was [redacted]. Witness [redacted] again said, "Yes." Subject Nicoles said, while he was speaking with Witness [redacted] he asked him if he was on probation or parole. Witness [redacted] said, "No." Subject Nicoles asked Witness [redacted] if he had anything illegal on him. Witness [redacted] told him he did not have anything illegal on him. Subject Nicoles asked Witness [redacted] if it would be okay if he searched him. Witness [redacted] said, "Yes." Subject Nicoles conducted a search of Witness [redacted] and retrieved two bindles of Cocaine, one from his rear pant pocket and one from his front pant pocket.

> **IAB NOTE:** The conversation between Subject Nicoles and both witnesses was conducted in English.

Subject Nicoles said he arrested Witness [redacted] and placed him in the rear seat of the patrol car. Subject Nicoles said Subject Love asked him how he would write the report. Subject Nicoles told Subject Love he would write it the way that it occurred and began describing how he would write it. Subject Nicoles said Subject Love stopped him and said, "We are gonna have to do this differently."

> **IAB NOTE:** Subject Nicoles said the conversation regarding the report


writing took place in the field next to the patrol car.

Subject Nicoles said they left the location and drove to the station where he completed the booking of Witness [redacted]

Subject Nicoles said he did not recall exactly when he completed writing the report but he believed it was toward the end of their shift. Subject Nicoles said he recalled Subject Love sitting with him and dictating the report. Subject Nicoles said when the report was completed Subject Love read the report and approved it prior to him turning it in to the Watch Sergeant. Subject Nicoles said he turned the report in, and waited for it to be approved by the Watch Sergeant prior to leaving the station.

Subject Nicoles said he received a subpoena for the Preliminary Hearing which was set for January 10, 2012. Subject Nicoles said he did not recognize the case until he retrieved a copy of the arrest report. **Refer to Exhibit A page 8**, for the arrest report.

Subject Nicoles said during the Preliminary Hearing he was called as a witness and sworn in. Subject Nicoles said he was questioned regarding the arrest and the contents of his report, by the District Attorney and cross examined by Defense Attorney Jay Glaser. **REFER to EXHIBIT A page 15**, for the Court Transcripts of Subject Nicoles' testimony.

IAB NOTE: District Attorney Tapti Patel was supervising Certified Clerk Min-Kuk Song during the Preliminary Hearing.

Subject Nicoles said he testified to the contents of the report even though he knew the report was not accurate. Subject Nicoles said he understood that he had to testify to what was written on the report even if it wasn't true. Subject Nicoles said he did not notify anyone regarding the inaccurate statements because he did not know who to notify.

Subject Nicoles said he did not contest Subject Love's version of the arrest because he believed he would not be signed off of the training program. Subject Nicoles said it was understood that if you go against your Training Officer you would not successfully complete the training program.

SUBJECT BRANDON LOVE

On April 22, 2013 Subject Brandon Love was interviewed by Internal Affairs Bureau Sergeant David Ladjevic and Sergeant Carlos Flores. The interview was conducted at Internal Affairs Bureau and was digitally audio recorded. Subject Love was represented by Attorney Bill Hadden.

Subject Love said on August 24, 2011 he was assigned to Carson Station as a Field Training Officer. Subject Love said he was a newly assigned Training Officer and his first Trainee was Subject Nicoles.

> **IAB NOTE:** Subject Love was a Field Training Officer for three days on the date of the incident.

Subject Love said at approximately 2234 hours they were patrolling the area of [redacted] South Normandie Avenue, [redacted] Subject Love said they were driving in the parking lot and running license plates. Subject Love said they stopped behind a vehicle and saw two individuals inside of the vehicle talking. Subject Love said he asked Subject Nicoles to run the plate of the vehicle. Subject Love said while waiting for the return he saw the driver drinking from an unspecified beverage can.

> **IAB NOTE:** The vehicle registration returned to [redacted] with an address of [redacted]

Subject Love asked Subject Nicoles to run the address on the return. Subject Love said while waiting for the return Witness [redacted] and Witness [redacted] exited the vehicle and entered the Laundromat. Subject Love said there were several warrants to the address and they exited the patrol car in order to contact the individuals in the Laundromat.

Subject Love said they entered the Laundromat and contacted a person who he believed was an employee, Witness [redacted]. Subject Love said Subject Nicoles contacted Witness [redacted] however he did not recall what his actions were during the contact. Subject Love said they escorted Witness [redacted] out of the Laundromat and placed him near the front of their patrol vehicle. Subject Love said he remained next to Witness [redacted] while Subject Nicoles was inside the patrol vehicle using the Mobile Digital Terminal attempting to confirm Witness [redacted] identity.

Subject Love said Subject Nicoles exited the patrol vehicle and walked to Witness [redacted] vehicle and saw an open container of beer in the center console. Subject Love said once Subject Nicoles pointed out the open container of beer they arrested Witness [redacted] for drinking in public. Subject Love said Subject Nicoles conducted a search of Witness [redacted] incident to arrest and retrieved two bindles of cocaine from Witness [redacted] pant pockets.

Subject Love said after arresting Witness [redacted] he spoke with Subject Nicoles. He asked Subject Nicoles if he was "comfortable" writing the report and, and he asked Subject Nicoles to give him a brief synopsis of the arrest. Subject Love said Subject Nicoles gave him a synopsis however he did not recall his exact words. Subject Love

said he recalls giving him suggestions about what to write but did not dictate the report to him.

Subject Love said he did not recall when Subject Nicoles completed the report nor did he recall reviewing the report prior to Subject Nicoles turning the report in for approval. Subject Love said if he did review the report he did a "piss" poor job because the way it is written is not the way the incident occurred. Subject Love said there was no reason to change the report because they had plenty of probable cause to detain Witness [redacted]

Subject Love said he did not tell Subject Nicoles to write the report the way it is written nor did he dictate the report to Subject Nicoles.

REVIEW OF VIDEO RECORDING

The incident was recorded via a surveillance camera system inside of the [redacted] The video was reviewed by Internal Affairs Bureau Investigator Sergeant Ladjevic. The surveillance video was approximately six minutes in length.

On the video it appears that Witness [redacted] enters the location at 22:22:58 hours and Witness [redacted] enters at 22:23:20 hours. It appears Witness [redacted] gives Witness [redacted] an unknown object at 22:23:26 hours.

> **IAB NOTE:** Witness [redacted] obtained a quarter from Witness [redacted] to open the restroom door.

On the video it appears Witness [redacted] enters the restroom at 22:23:45 hours and exits the restroom at 22:24:17 hours. It appears Subject Nicoles and Subject Love entered the Laundromat at 22:24:07 hours. It appears Subject Nicoles and Subject Love contacted Witness [redacted] at 22:24:14 hours. On the video it appears Subject Nicoles contacted Witness [redacted] at 22:24:26 hours. On the video it appears Subject Nicoles and Subject Love escorted Witness [redacted] out of Laundromat 22:25:05 hours.